



City of Mesquite, Texas

Minutes - Final City Council

Monday, February 16, 2015

5:00 PM

City Hall | Council Chamber
757 N. Galloway | Mesquite, Texas

Present: Mayor John Monaco and Councilmembers Al Forsythe, Greg Noschese, Bill Porter, Bruce Archer, Shirley Roberts and Dennis Tarpley, City Manager Ted Barron and City Secretary Sonja Land.

PRE-MEETING - COUNCIL CONFERENCE ROOM - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding illuminated signs.

Council directed staff to bring back information on how other cities are addressing this issue.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:10 P.M.

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (discuss acquisition of property north of Mesquite Metro Airport); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:26 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:26 P.M.

The City Council met in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (consider economic development incentives for a residential project located within the City's Extra-Territorial Jurisdiction near IH 20 and FM 740); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:36 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

COUNCIL/STAFF WORK SESSION - COUNCIL CONFERENCE ROOM - 6:30 P.M.

2 Receive year-to-date financial report as of December 31, 2014.

Debbie Mol, Director of Finance, presented the year-to-date financial report as of December 31, 2014.

The work session ended at 6:45 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:00 P.M.

INVOCATION

Mike Pettitt, Pastor, Connection Pointe, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of Mesquite Fire Corps.

SPECIAL ANNOUNCEMENTS

- (1) Mr. Noschese stated that the City Council and City staff met with the Mesquite Independent School District (MISD) Board of Trustees and MISD staff for their annual joint meeting on Tuesday, February 10, 2015, and he is very proud of the working relationship between the two entities.
- (2) Ms. Roberts expressed appreciation to the Mesquite Firefighters and the service they provide to the citizens of Mesquite.
- (3) Mr. Porter expressed appreciation for the communication and working relationship between the City and MISD.
- (4) Mr. Archer stated he is thankful for all City employees and the jobs they perform for our community.

PRESENTATIONS

3 Presentation of a plaque to Ron Ward in recognition of his service as a member of the Mesquite Quality of Life Corporation Board of Directors.

Mayor Monaco presented a plaque to Ron Ward in recognition of his service as a member of the Mesquite Quality of Life Corporation Board of Directors from September 2011 through January 2015.

4 Presentation of meritorious awards to Fire Department employees.

Fire Chief Mark Kerby, Assistant Fire Chief Bobby Muse and Lieutenant Charles Schmidt presented meritorious awards to Fire Department employees in recognition of their achievements and outstanding service. Awards were presented as follows:

- Life Saving Award No. 1 to Firefighter/Paramedic Kenneth Quisenberry, Firefighter/Paramedic Jeff Grimland, Captain Terry Brown, Driver Engineer/Paramedic Tommy Green, Firefighter/Paramedic Bradley Hurtt and Firefighter/Paramedic Kris Johnson;
- Life Saving Award No. 2 to Firefighter/Paramedic Elliot Howard,

Firefighter/Paramedic Robert Turner, Lieutenant Jon Moore, Driver Engineer/Paramedic Vance Lay and Firefighter/Paramedic Brian Jeffreys;

- Life Saving Award No. 3 to Firefighter/Paramedic Ray Sewell, Firefighter/Paramedic Chris Mickle, Captain Robert Hanie, Lieutenant Shaun Jordon, Driver Engineer/Paramedic Michael Teamann, Firefighter/Paramedic Engineer Tim Hockaday and Police Officer Daniel Harris;

- Life Saving Award No. 4 to Firefighter/Paramedic Kenneth Holt, Firefighter/Paramedic Jacob Heise, Captain Greg Douglas, Driver Engineer/Paramedic Paul Craig, Firefighter/Paramedic Alan Pringle and Firefighter/Paramedic Jimmy Reimer;

- Life Saving Award No. 5 to Firefighter/Paramedic Brad Hurtt, Firefighter/Paramedic Kris Johnson, Captain Gene Zwillenberg, Driver Engineer/Paramedic Eric Rodgers, Firefighter/Paramedic Stephen Holland, Firefighter/Paramedic Bryan Serda, Police Officer Alex Sparling and Police Officer J. P. Key;

- Life Saving Award No. 6 to Firefighter/Paramedic Travis Block, Firefighter/Paramedic Zack Bell, Captain Jon Capps, Driver Engineer/Paramedic Vance Lay and Firefighter/Paramedic Rodrick Levingston;

- Life Saving Award No. 7 to Firefighter/Paramedic Mike Park, Firefighter/Paramedic Rodrick Levingston, Captain Jon Capps, Driver Engineer/Paramedic Scott Harrell, Firefighter/Paramedic Matthew Haisten and Police Officer Torrey Rhone;

- Life Saving Award No. 8 to Firefighter/Paramedic Rodrick Levingston, Firefighter/Paramedic Chad Tessem, Captain Jon Capps, Driver Engineer/Paramedic Scott Harrell and Firefighter/Paramedic Michael Small;

- Life Saving Award No. 9 to Firefighter/Paramedic Jason Dagenals, Firefighter/Paramedic William Lyle, Captain James Rogers, Driver Engineer/Paramedic Ron Boruff, Firefighter/Paramedic Joe Dunfield, Firefighter/Paramedic David Page, Police Officer Jack Fyall and Police Officer Drew Chasney;

- Fire Department Community Service Award to Mrs. Christina Bennett and Ms. Danielle Riley;

- Fire Service Recognition Bar to Captain Jon Capps, Lieutenant Harlan Lowrance, Driver Engineer/Paramedic Tommy Green, Firefighter/Paramedic Chad Tessem, Firefighter/Paramedic Matt Haisten, Firefighter/Paramedic Zach Bell and Firefighter/Paramedic David Lester;

- Fire Officer of the Year to Captain Keith Hopkins;

- Paramedic of the Year to Firefighter/Paramedic Rodrick Levingston; and

- Firefighter of the Year to Driver Engineer/Paramedic Kenneth Crawford.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Noschese moved to remove Item Nos. 9-12 from the Consent Agenda to be considered separately. Motion was seconded by Mr. Archer and approved unanimously.

Mr. Noschese moved to approve Item Nos. 5-8, 13-17 on the Consent Agenda, as follows. Motion was seconded by Mr. Porter and approved unanimously.

5

Minutes of the regular City Council meeting held February 2, 2015.

Approved on the Consent Agenda.

- 6 A resolution establishing precincts and the location of polling places for the annual City election.
- Approved on the Consent Agenda.**
- Resolution No. 07-2015, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING PRECINCTS AND THE LOCATION OF POLLING PLACES FOR THE ANNUAL CITY ELECTION; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 07-2015 recorded on page of Resolution Book No. 47.)**
- 7 A resolution authorizing the City Manager to sell tax foreclosed property located at 220 Darien Street to Jon Scott Williams for a purchase price of \$15,000.00 plus closing costs and post-judgment taxes and to request consent to the sale from Dallas County and Mesquite Independent School District.
- Approved on the Consent Agenda.**
- Resolution No. 08-2015, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO SELL TAX FORECLOSED PROPERTY LOCATED AT 220 DARIEN STREET TO JON SCOTT WILLIAMS FOR A PURCHASE PRICE OF \$15,000.00 PLUS CLOSING COSTS AND POST-JUDGMENT TAXES; AND TO REQUEST CONSENT TO THE SALE FROM DALLAS COUNTY AND MESQUITE INDEPENDENT SCHOOL DISTRICT. (Resolution No. 08-2015 recorded on page of Resolution Book No. 47.)**
- 8 A resolution adopting a two-tiered fee schedule of \$1,500 per transaction or three percent of the purchase/sale price for the recovery of personnel and overhead costs incurred by the City of Mesquite, Texas, as trustee, in connection with maintaining, preserving, safekeeping, managing and reselling tax lien foreclosed real properties.
- Approved on the Consent Agenda.**
- Resolution No. 09-2015, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING A TWO-TIERED FEE SCHEDULE OF \$1,500 PER TRANSACTION OR THREE PERCENT OF THE PURCHASE/SALE PRICE FOR THE RECOVERY OF PERSONNEL AND OVERHEAD COSTS INCURRED BY THE CITY OF MESQUITE, TEXAS, AS TRUSTEE, IN CONNECTION WITH MAINTAINING, PRESERVING, SAFEKEEPING, MANAGING AND RESELLING TAX LIEN FORECLOSED OR SEIZED REAL PROPERTIES. (Resolution No. 09-2015 recorded on page of Resolution Book No. 47.)**
- 13 Bid No. 2015-005 - Annual Supply of Garbage Can Liners.
(Staff recommends award to Jadcore, Inc., in the amount of \$293,315.00.)
- Approved on the Consent Agenda.**
- 14 Bid No. 2015-017 - Annual Facility Maintenance, Time and Material, Repair and Remodeling Contract.
(Authorize the City Manager to approve expenditures and execute all necessary documents in conjunction with services provided by Concord Commercial Services, Inc., Pegasus Texas Construction, Berger Engineering Company, Artex Overhead Door Company, Control Systems Consultants and

Phillips Lawn Sprinkler Company.)

Approved on the Consent Agenda.

- 15** Bid No. 2015-039 - Network Aggregation Switch Replacement.
(Staff recommends award to Software House International through the Texas Department of Information Resources [DIR] Contract #DIR-TSO-2542 in the amount of \$52,440.00.)

Approved on the Consent Agenda.

- 16** Authorize the City Manager to execute an agreement with WRA Architects, Inc., for the design of a new restroom and concession building in Paschall Park in the amount of \$73,850.00.

Approved on the Consent Agenda.

- 17** Authorize the City Manager to execute a professional engineering services contract with Alan Plummer Associates, Inc., to prepare a Wastewater Asset Management Plan in the amount of \$62,900.00.

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 9** A resolution urging the Texas Legislature to enact stricter consumer protection-oriented regulation of the lending practices of credit access businesses and expressing support of SB 92 and SB 191.

Mr. Archer encouraged support for this resolution and for the Texas Legislature to protect working families from the business practices of payday lenders.

Mr. Archer moved to approve Resolution No. 10-2015, without references to specific legislation, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, URGING THE TEXAS LEGISLATURE TO ENACT ADDITIONAL CONSUMER PROTECTION-ORIENTED REGULATION OF CREDIT ACCESS BUSINESSES. Motion was seconded by Mr. Noschese and approved unanimously. (Resolution No. 10-2015 recorded on page of Resolution Book No. 47.)

- 10** Approve Amendment No. 1 to the 2014-15 Police Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$367,000.00.

Mr. Noschese stated that seizure funds are received by the City and the proceeds are utilized to purchase additional tools and resources to fight crime. The proposed expenditures include rifle vests, a robot, enhanced tools for the computer lab, loud speaker and software to search social media content.

Mr. Noschese moved to approve Amendment No. 1 to the 2014-15 Police Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$367,000.00. Motion was seconded by Mr. Tarpley and approved unanimously.

- 11 Approve Amendment No. 2 to the 2014-15 Police Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$432,000.00.

Mr. Noschese moved to approve Amendment No. 2 to the 2014-15 Police Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$432,000.00. Motion was seconded by Mr. Tarpley and approved unanimously.

- 12 Bid No. E2015-002 - Farley Drive Pavement Rehabilitation Project.
(Authorize the City Manager to execute a contract with low bidder Cam-Crete Contracting, Inc., in the amount of \$57,344.00.)

Mr. Noschese stated that the cost of street construction has risen in recent years and the Streets Division has sought innovative ways to repair streets. This project involves milling the top layer of the existing concrete and replacing it with a new layer of concrete with rebar which will extend the life of the street. This method will save approximately 40 percent of the cost on this project as well as a significant amount of time.

Mr. Noschese moved to approve Bid No. E2015-002 - Farley Drive Pavement Rehabilitation Project and authorize the City Manager to execute a contract with low bidder Cam-Crete Contracting, Inc., in the amount of \$57,344.00. Motion was seconded by Mr. Archer and approved unanimously.

END OF CONSENT AGENDA

PUBLIC HEARINGS

- 18 Conduct a public hearing and consider an ordinance for Application No. 1095-56-2015, submitted by Joshua Canada on behalf of Cellagain, for a zoning change from Commercial and Town East Retail and Restaurant Area (TERRA) Overlay to Commercial and TERRA Overlay with a Conditional Use Permit to allow the sale of used mobile phones and tablets located in Kiosk Space 6502 at 2063 Town East Mall.

(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the February 2, 2015, City Council meeting.)

A public hearing was held to consider Application No. 1095-56-2015. This item was postponed at the February 2, 2015, City Council meeting.

Tucker Nielson, representing Cellagain, stated they have been in business for seven years with their corporate offices and manufacturing facility located in Utah. Cellagain currently has 31 locations nationwide with four being located in the Dallas area at Stonebriar Mall, Grapevine Mills Mall, Hulen Mall and Town East Mall. An additional 11 stores will be opened in the Dallas/Fort Worth area in 2015. Cellagain has recently been purchased by a locally owned company called Highland Mobile and buys and sells primarily mobile phones. Ninety percent of the items being sold are used which have been purchased from the original manufacturer and have been reconditioned and remanufactured. Occasionally, mobile phones are purchased from a customer. However, phone data is removed from each used phone, steps are taken to ensure the phone is not stolen and

then the device is sold back to the manufacturer for reconditioning and remanufacturing. Mobile phones that are unable to be remanufactured are sent to a processing facility to be scrapped and recycled.

Mr. Neilson stated that during the zoning application process, a clerical error was made by company staff which allowed operations to begin at Town East Mall in October 2014. City staff noticed in January 2015 that the majority of products being sold were used merchandise and requested Cellagain apply for a Conditional Use Permit.

Richard Gertson, Director of Community Development, stated that the sale of used merchandise is permitted in the Central Business Zoning District. Staff administratively allows 5 to 10 percent used merchandise.

Councilmembers expressed concern regarding the sale of used merchandise at Town East Mall.

No one appeared regarding the proposed application. Mayor Monaco declared the public hearing closed.

Mr. Noschese moved to deny Application No. 1095-56-2015. Motion was seconded by Mr. Archer and approved unanimously.

19

Conduct a public hearing and consider an ordinance for Application No. 1028-15-2015, submitted by Jennifer Hoon for National Entertainment Network, L.L.C., for a zoning change from Commercial to Commercial with a Conditional Use Permit to allow a gameroom with coin-operated amusement devices located in the Walmart at 200 East U.S. Highway 80.

(Two letters in favor and four letters in opposition to the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

A public hearing was scheduled to be held for Application No. 1028-15-2015.

The applicant did not appear.

No one appeared regarding the proposed application. Mayor Monaco declared the public hearing closed.

Mr. Noschese moved to deny Application No. 1028-15-2015. Motion was seconded by Mr. Forsythe and approved unanimously.

RECEIPT OF RESIGNATION

20

Receive resignation from Stan Pickett as a member of the Mesquite Quality of Life Corporation Board of Directors.

Mr. Tarpley moved to receive resignation from Stan Pickett as a member of the Mesquite Quality of Life Corporation Board of Directors. Motion was seconded by Mr. Porter and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

21 Consider appointment of three members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2017.

Ms. Roberts moved to appoint Beth Gaddis, Place 1, Diana Parker, Place 2, and Helen Ethridge, Place 3, as members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2017. Motion was seconded by Mr. Tarpley and approved unanimously.

ADJOURNMENT

Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Forsythe and approved unanimously. The meeting adjourned at 8:19 p.m.

Approved:

Attest:

John Monaco, Mayor

Sonja Land, City Secretary